

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Barry Lee Benson,)	
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Colby Braun, Warden,)	Case No. 1:17-cv-244
)	
Respondent.)	

On May 4, 2018, petitioner filed a request for a certificate of appealability. In its March 28, 2018, order granting respondent's motion to dismiss, the court declined to issue petitioner a certificate of appealability. In so doing, it opined: "Reasonable jurists would not debatable the disposition of the claims, whether on the merits or on procedural grounds." (Doc. No. 20). Accordingly, defendant's instant request (Doc. No. 25) is **DENIED**.

IT IS SO ORDERED.

Dated this 4th day of May, 2018

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court